

HOLT URGES ELECTION ASSISTANCE COMMISSION TO ADDRESS VOTING MACHINE FAILURES, ACCESSIBILITY IN 2010 ELECTION SURVEY

(Washington, D.C.) – U.S. Representative Rush Holt (NJ-12) submitted a public Letter of Comment to the Election Assistance Commission (EAC) urging the EAC to ensure that the Election Day Survey for 2010 will include a robust list of questions on voting machine failures and polling place accessibility not currently included in the draft survey for the 2010 election. Taxpayers have provided more than \$3.2 billion to states to replace and upgrade voting systems. However, the survey for 2010 would not require states to report on whether those voting systems are functioning properly, let alone counting votes as cast. In addition, taxpayers have provided more than \$100 million to states to ensure polling place accessibility and fund protection and advocacy systems. However, the survey for 2010 would not require states to report on whether all polling places are accessible.

The EAC also did not include questions about voting machine functionality or voting accessibility in its 2008 Survey despite requests from Holt and a number of voting integrity groups. However, Holt praised the EAC for publically reviewing the process by which the 2008 Survey was completed without including those questions.

“In December 2008, under the leadership of then-Chair Rosemary Rodriguez and in an exemplary demonstration of transparency, the EAC held a hearing on the subject of why earlier-submitted comments on those subjects were not publicly vetted prior to finalization of the 2008 Election Day Survey, which did not include such questions” Holt said. “I want to commend the EAC and reiterate my thanks to the Commissioners for holding that hearing, accepting a statement from me for the record, and so forthrightly addressing what transpired between the date the prior comments were submitted and the date the 2008 Survey was finalized.”

Holt’s Letter of Comment to the EAC 2010 Election Day Survey can be found below. “The two core purposes of HAVA are whether or not voting systems are functioning and whether or not voting is accessible,” said Holt. Only the states can tell us that, but the EAC must ask them to do so.”

November 9, 2009

Dear Chair Beach, Vice-Chair Hillman, and Commissioner Davidson:

Thank you for your hard work and dedication to improving the administration of

elections in the United States. Thank you also for your efforts to seek public input on matters such as the improvement of the Voluntary Voting System Guidelines, and the draft 2010 Election Day Survey. I strongly urge that you modify and improve the survey to allow the Election Assistance Commission to fulfill its mandate.

As you may recall, I submitted a letter of comment on the 2008 Election Day Survey. I have attached a copy (<http://holt.house.gov/EAC.pdf>) of that letter for your reference. You will also recall that because of the lack of public vetting of the comments submitted prior to finalization and publication of the 2008 Election Day Survey, the Election Assistance Commission (EAC) held a public meeting in December 2008 to discuss what was behind that lack of transparency. I submitted a statement for the record in that hearing, a copy of which is also attached (<http://holt.house.gov/EAC2.pdf>).

I have deep concern about the lack of inquiry in the recent Election Day Surveys into both voting equipment failures and polling place accessibility. Detailed questions on both of these

topics were included in the first such survey. I will not again reiterate my previously-expressed concerns about their subsequent deletion from later iterations of the survey.

As you know, the federal government - and by that I mean the American taxpayers - have appropriated more than \$3.2 billion to replace and upgrade voting systems. And yet, but for inviting jurisdictions to offer "any general comments" they "may wish to share" about "problems with voting systems," the draft EAC Election Day Survey for 2010 asks not one single specific question about whether or not those voting systems are functioning properly, let alone whether they are counting votes as cast. In addition, the taxpayers have appropriated more than \$100 million to the states to ensure polling place

accessibility and fund protection and advocacy systems. And yet, the draft EAC Election Day Survey for 2010 asks not one single question about whether or not all polling places are in fact accessible.

I do note the explanatory materials on your website indicating that some of the questions in the survey are mandated by the National Voter Registration Act (such as those pertaining to registration issues) and others by the Uniformed & Overseas Citizens Absentee Voting Act (pertaining to absentee balloting issues). However, as indicated in my December 2008 statement, inquiries into voting system performance and polling place accessibility are mandated by the Help America Vote Act, pursuant to which the survey itself is issued.

The first line of the Executive Summary of the 2008 Election Administration and Voting Survey reads: "[t]he U.S. Election Assistance Commission (EAC) Election

Administration and Voting System Survey is the nation's foremost data collection effort on how American's cast their ballots." Respectfully, this is not true so far. To date, the citizen-driven voting integrity watchdog groups I referenced in my first comment letter, and others who have joined them in their efforts, are still conducting more thorough inquiries, and reporting more detailed results, with fewer resources and less access. If the draft 2010 Election Day Survey is not amended to include a specific series of questions about voting machine performance (or failure to perform) and polling place accessibility

(or lack thereof), the EAC will have failed in one of its core responsibilities: to "serve as a

national clearinghouse and resource for the compilation of information on the experiences of State and local governments in . . . operating voting systems in general" and studying the "methods of voting and administration of elections which . . . will be the most convenient, accessible and easy to use for voters."

Thank you again for your commitment to the protection and improvement of the electoral system in the United States. If you should have any questions or comments about any of the foregoing, please let me know.

Sincerely,

RUSH HOLT

Member of Congress